

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Barby Perez

Docket No. 7:11-MJ-1217-1

Petition for Action on Probation

COMES NOW Djoni B. Barrett, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Barby Perez, who, upon an earlier plea of guilty to Driving While Impaired - Level V, in violation of N.C.G.S. 20-138.1, assimilated by 18 U.S.C. §13, was sentenced by the Honorable Robert B. Jones, Jr., U.S. Magistrate Judge, on February 8, 2012, to a 12 month term of probation under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall perform 24 hours of community service as directed by the probation office and if referred for placement and monitoring by the State of North Carolina, pay the required \$200 fee.
2. The defendant shall obtain a substance abuse assessment from an appropriate mental health facility within thirty (30) days from the date of this judgment and complete any prescribed treatment program. The defendant must pay the assessment fee and any added treatment fees that may be charged by the facility.
3. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until her privilege to do so is restored in accordance with law.
4. The defendant pay a special assessment of \$10.00 and a fine of \$100.00.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

At the onset of supervision, the defendant was referred to Onslow County Parks and Recreation in Onslow County, North Carolina, to perform community service. The defendant is pregnant with her third child and to date, has completed only 8 of the 24 hours of community service imposed. Due to the potential liability risks, community service agencies will not allow the defendant to perform community service. The probation officer is recommending that the remaining 16 hours of community service be stricken, and 16 hours home detention be imposed in lieu thereof.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

Barby Perez
Docket No. 7:11-MJ-1217-1
Petition For Action
Page 2

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The 24 hours of community service initially imposed, be reduced to 8 hours.
2. The defendant shall abide by all conditions and terms of the home incarceration program for a period not to exceed 16 consecutive hours. The defendant shall be restricted to her residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

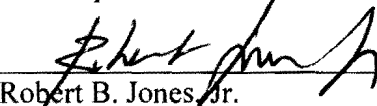
/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Djoni B. Barrett
Djoni B. Barrett
U.S. Probation Officer
200 Williamsburg Pkwy, Unit 2
Jacksonville, NC 28546-6762
Phone: 910-347-9038
Executed On: May 30, 2012

ORDER OF COURT

Considered and ordered this 30th day of May, 2012, and ordered filed and made a part of the records in the above case.



Robert B. Jones, Jr.
U.S. Magistrate Judge